

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOSEPH L. McNARY,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
VS.)	
)	3:05-CV-0519-G
DOUGLAS DRETKE, Director, Texas)	
Department of Criminal Justice,)	
Correctional Institutions Division,)	
)	
Respondent.)	

ORDER

After reviewing *de novo* the findings, conclusions, and recommendation (“Findings”) of the United States Magistrate Judge, I am of the opinion that the Findings of the magistrate judge are correct and they are accepted as the Findings of the court, except for the following: (1) on page 3, lines 14-15, the citation should read “*Heiser v. Johnson*, 263 F.3d 162 (5th Cir. 2001) (unpublished table decision);” (2) on page 3, lines 15-16, the citation should read “*Kimbrell v. Cockrell*, 311 F.3d 361, 363-64 (5th Cir. 2002);” (3) on page 5, lines 4-5, the citation should read

“*United States v. Patterson*, 211 F.3d 927, 930 (5th Cir. 2000);” and (4) on page 6, line 3, a quotation mark should be added after the word “rights.”

It is therefore **ORDERED** that the Findings, except as modified herein, are **ADOPTED** as the findings and conclusions of the court.

June 22, 2005.



A. JOE FISH
CHIEF JUDGE